

Introduced by Senator Rosenthal

February 24, 1997

An act to add Section 658.6 to, and to repeal and add Section 658.5 of, the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

SB 545, as introduced, Rosenthal. Operation of motorboats.

(1) Existing law makes a person who permits another person under 12 years of age to operate a motorboat, as defined, under certain circumstances guilty of an infraction and makes a person under 12 years of age who operates a motorboat under those circumstances guilty of an infraction.

This bill, instead, would make a person under 12 years of age who operates a motorboat, with a specified exception, guilty of a misdemeanor and would make a person who permits another person under 12 years of age to operate a motorboat, with the specified exception, guilty of a misdemeanor. Because the bill would change the definition of, and create, new crimes, the bill would impose a state-mandated local program.

(2) Existing law does not require the operator of a motorboat on the waters of this state to possess a license to operate that motorboat.

This bill would make any person, 12 years of age or older, who operates a motorboat on the waters of this state without a valid vessel operator's license issued by the Department of Motor Vehicles, as specified, guilty of a misdemeanor. Because

the bill would create a new crime, the bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 658.5 of the Harbors and
2 Navigation Code is repealed.

3 ~~658.5. (a) Any person who permits any other person~~
4 ~~under 12 years of age to operate any of the following is~~
5 ~~guilty of an infraction:~~

6 ~~(1) A motorboat engaged in towing a person on water~~
7 ~~skis, an aquaplane, or similar device.~~

8 ~~(2) A motorboat designed to carry only one person.~~

9 ~~(3) A motorboat propelled by machinery having an~~
10 ~~aggregate of more than 10 horsepower without the~~
11 ~~supervision of a person 18 years of age or older aboard the~~
12 ~~motorboat, except for a dinghy used directly between a~~
13 ~~moored vessel and the shoreline, and return.~~

14 ~~(b) Any person under 12 years of age who operates any~~
15 ~~motorboat, when prohibited under subdivision (a), is~~
16 ~~guilty of an infraction.~~

17 SEC. 2. Section 658.5 is added to the Harbors and
18 Navigation Code, to read:

19 658.5. (a) Any person under 12 years of age who
20 operates a motorboat, except for a dinghy used directly
21 to or from a moored vessel and the shoreline, on the
22 waters of this state is guilty of a misdemeanor.

23 (b) Any person who permits any other person under
24 12 years of age to operate a motorboat in violation of
25 subdivision (a) is guilty of a misdemeanor.

26 SEC. 3. Section 658.6 is added to the Harbors and
27 Navigation Code, to read:

658.6. (a) Any person, 12 years of age or older, who operates a motorboat, except for a dinghy used directly to or from a moored vessel and the shoreline, on the waters of this state without a valid vessel operator's license issued by the Department of Motor Vehicles is guilty of a misdemeanor.

(b) The Department of Motor Vehicles shall issue a vessel operator's license to any person 12 years of age or older who meets one of the following criteria:

(1) Shows evidence of having successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the Department of Boating and Waterways. For the purposes of this subdivision, the Department of Motor Vehicles shall maintain a list of approved boating safety courses, which may include those courses sponsored by the United States Coast Guard Auxiliary, the United States Power Squadrons, the American Red Cross, or a state or local government.

(2) Has successfully passed an equivalency examination prepared by the Department of Boating and Waterways and administered by the Department of Motor Vehicles that tests knowledge of safe boating safety. The equivalency examination shall have a degree of difficulty equal to or greater than that of the examination given at the conclusion of a typical boating safety course.

(3) Holds a valid master's, mate's, or operator's license issued by the United States Coast Guard.

(c) For the purposes of this section, "valid vessel operator's license" means a motor vehicle driver's license with a motorboat operator endorsement, or a vessel operator's license or certificate containing or accompanied by photographic identification.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section
2 17556 of the Government Code, or changes the definition
3 of a crime within the meaning of Section 6 of Article
4 XIII B of the California Constitution.

5 Notwithstanding Section 17580 of the Government
6 Code, unless otherwise specified, the provisions of this act
7 shall become operative on the same date that the act
8 takes effect pursuant to the California Constitution.

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